

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	Case No. 23-mj-00545 GJF
vs.)	
)	
APRIL MARIE MILLER,)	
)	
Defendant.)	

UNITED STATES' UNOPPOSED MOTION FOR PROTECTIVE ORDER

Pursuant to Rule 16(d)(1) of the Federal Rules of Criminal Procedure, the United States moves the Court for a protective order appropriately restricting access to, and redistribution of medical records and reports containing personal medical information of victims in this matter (hereinafter "materials"). The defendant faces charges for Conspiracy to Transport Illegal Aliens under 8 U.S.C. § 1324(a)(1)(A)(v)(I). Doc. 1. In support, the United States argues as follows:

1. The United States has in its possession medical records and reports containing personal medical information of victims. In order to ensure respect and privacy to the victims in this case, the United States requests this Court issue a protective order covering the disclosure of these items.

2. The victims in this case have obvious, compelling privacy interests in this material. In recognition of that interest, there is good cause to enter a protective order requiring defense counsel to: (1) restrict access to the materials to themselves, their investigator, and an expert qualified to provide opinion testimony at trial based on this material; (2) go over the materials with

the defendant only under circumstances where no other person will view it and not provide the defendant with a copy of the materials to keep in their possession; and (3) refrain from reproducing or otherwise disclosing information revealed in the materials under any circumstances except as evidence during the trial of this matter without an order from the Court.

4. Entry of such a protective order is an appropriate exercise of the Court's authority to restrict discovery or inspection pursuant to Rule 16(d)(1). There is good cause for the order based on the victims' privacy interests, and entry of the order will not prejudice the defendant in any way.

5. The United States contacted defense counsel regarding the relief it requests through this motion. The defendant does not oppose entry of the requested protective order.

WHEREFORE, the United States asks that the Court enter a protective order restricting access to and redistribution of the materials as set forth above.

Respectfully submitted,

ALEXANDER M.M. UBALLEZ
United States Attorney

Electronically filed 6/16/23
CLARA N. COBOS
Assistant United States Attorney
200 N. Church St.
Las Cruces, NM 88001
(575) 522-2304

I HEREBY CERTIFY that I filed the foregoing pleading electronically through the CM/ECF system which caused the following parties or counsel to be served by electronic means, as reflected on the Notice of Electronic Filing, and other methods of service as indicated therein on June 16, 2023:

/s/
CLARA N. COBOS
Assistant U.S. Attorney